

**REMARKS**

This Response, filed in reply to the Office Action dated December 6, 2005, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-19 remain pending the application. Claims 1-19 have been rejected under 35 U.S.C. § 103 as being unpatentable over Venable (U.S.P. 6,557,017) in view of Luo (U.S.P. 6,654,506). Applicant respectfully submits the following arguments in traversal of the prior art rejections.

Applicant's invention relates to an apparatus and method for cropping an image and synthesizing the image with a template. Detailed descriptions of the exemplary embodiment are set forth in the Brief on Appeal at pages 2-3. Similarly, Venable and Luo are described in the September 23, 2005 Amendment at pages 8-9. The Examiner is referred to these documents for these descriptions.

Further to these descriptions, it is noted that Venable describes preservation of an aspect ratio as independent from the pasteboard size. Col. 8, lines 49-68 of Venable describe a parent of a 10 to 1 aspect ratio and a 450 x 300 pixel size. At a (0.67, 0.33) scale, child pasteboard has an absolute size of 300 x 100, but would be scaled to 300 x 30 to maintain the 10 to 1 aspect ratio. Therefore, the maintaining of the aspect ratio would not necessarily result in a pasteboard corresponding to a size of any frame.

Fig. 5 of Venable shows that a square pasteboard may comprise the target of two different objects A and B, which have a rectangular boundary region. It is clear that in each of the various modes (FitAsis, FitHeight, FitWidth, FitInside, FitOutside) of fitting the object to the pasteboard, the object boundary (rectangular) do not correspond to the pasteboard shape (shape). Moreover, to the extent a rasterized portion in the FitAll mode corresponds to a pasteboard shape, it is clear that the size is not adjustable. Rather, the size of the raster is defined by pasteboard. Col. 9, lines 4-6.

With regard to Fig. 9, this figure illustrates the mapping of multiple children objects and a single parent. Col. 9, lines 40-63. In this case, each child must be adjusted to maintain its relative position, which can be displaced from the central point of the parent pasteboard, as is apparent in Fig. 9. Figs. 8a and 8b illustrate similar displacement from a central point.

In addition, though Venable and Luo each relate to cropping, the bases for their cropping fundamentally differ. Venable relates to a merit value determinations which considers the target output device, complexity of processing and image attributes. Col. 12. Luo relates to cropping relative to a belief value, indicating the importance of a feature in an image. Abstract.

The Examiner maintains the same rationale for rejecting independent claim 1 and offers a few points in rebuttal. Applicant responds as follows. With regard to the propriety of the combination, the Examiner maintains that because each reference relates to the scaling and viewing of cropped images, that their combination is proper. The mere fact that Venable and Luo are directed to similar art is a necessary condition for their combination, but it not sufficient

to justify the combination in this case. The nature of the cropping in each reference would teach away from their combination with each other. In terms of defining the SI synthesized image in Venable, the cropping would take on a first set of considerations and in Luo, the belief value would take on an entirely different set of considerations. In this sense, the combination of the elements would teach away from their combination of one with the other since the first set of conditions of Venable potentially undercuts the belief values in Luo.

The Examiner also contends that it would be obvious to modify Venable to include a moving crop boundary. However, it is clear in Venable that the placement of the child pasteboard relative to the parent is relatively fixed at a control point, merge point and type of justification in order to create different renderings of the image in a self-contained form. See Figs. 6 - 9. As some means of positioning a child relative to a parent pasteboard is already contemplated by Venable, there is no further need to turn to Luo to teach this feature of crop boundary movement through an operation device.

Claim 1 also describes a crop boundary having a corresponding shape to that of a frame of selected template, while keeping a same shape and being centered on a reference point. The Examiner relies on the maintaining of an aspect ratio in Venable to teach this feature. However, the mere fact that an aspect ratio can be maintained does not necessitate that the corresponding shape also be maintained. The examples of Venable discuss a variation in the height to width relation of a parent and child pasteboard in order to maintain a constant ratio. Thus, the shape of the crop boundary changes and thus does not necessarily correspond to the frame as claimed. The different relationships of object and pasteboard as illustrated by Fig. 5 illustrates the lack of

the correspondence in shape in Venable. No mode of Venable meets the shape and size adjustment criteria of claim 1.

Therefore, Applicant maintains that claim 1 is patentable for at least the above reasons. Claims 5-7 are patentable for analogous reasons. The remaining claims are patentable based on their dependency.

Claims 4, 6, and 8 are each further patentable for reciting a reference line relative to a crop boundary. The Examiner's continued reliance on the process of image processing (IPO) without regard to a crop boundary having a reference line disposed therein is improper. Moreover, the cited processing line does not move as described by Applicant's claims. Therefore, claims 4, 6 and 8 are patentable for these additional reasons.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.116  
U.S. Appln. No. 09/783,388

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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